

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MARCUS MAYS #218101,

Plaintiff,

NO. 2:19-cv-217

v

HON. HALA Y. JARBOU

MARK SKYTТА, DAVID PYNNONEN,
BOBBY HOLLEY, MICHAEL FRAKI,
TODD BASTIAN, SABRINA SNYDER,
ELIZABETH CORRIGAN, DAWN
COON, AMY RAJALA, NICOLE
SUNDBERG, DAVID FINEGAN,
TRUDY DUQUETTE, SHANNON
JOHNSON and VICKI USITALO,

MAG. MAARTEN VERMAAT

Defendants.

Marcus Mays #218101
In Pro Per
Marquette Branch Prison
1960 U.S. Hwy. 41 South
Marquette, MI 49855

O.G. Reasons (P80463)
Assistant Attorney General
Michigan Dept. of Attorney General
Attorney for Defendants
Corrections Division
P.O. Box 30217
Lansing, MI 48909
(517) 335-3055

DEFENDANTS' PRETRIAL NARRATIVE STATEMENT

- (a) Plaintiff Marcus Mays alleges violations of the First and Eighth Amendment of the United States Constitution. Mays alleges that on May 21, 2018, while he was incarcerated at Baraga Correctional Facility (AMF), in Baraga, MI, several MDOC employees physically assaulted him while other MDOC employees watched. Mays claims that the assault was in retaliation for a

previous lawsuit that he filed. Mays then alleges that he requested medical attention for his injuries for the next several days, but healthcare staff ignored his requests and were therefore deliberately indifferent to his medical needs. The remaining defendants are: Sgt Pynnonen, CO Skytta, CO Holley, CO Fraki, PC Bastian, RN Snyder, RN Corrigan, RN Coon, RN Rajala, and RN Sundberg. Mays' specific claims are:

Claim Number	Defendant	Claim	Date or Range of Incident(s)	Factual Allegation
1.	Skytta	Eighth Amendment Excessive Force	5/21/18	Skytta, Frankie, and Holley allegedly kicked and punched Mays repeatedly while he was on the ground. (ECF No. 1, PageID.5)
2.	Skytta	First Amendment Retaliation	5/21/18	Skytta, Frankie, and Holley allegedly kicked and punched Mays repeatedly while he was on the ground. (ECF No. 1, PageID.5)
3.	Pynnonen	Eighth Amendment Excessive Force	5/21/18	Pynnonen allegedly put mays in a choke hold. (ECF No. 1, PageID.5)
4.	Pynnonen	First Amendment Retaliation	5/21/18	Pynnonen allegedly put mays in a choke hold. (ECF No. 1, PageID.5)
5.	Holley	Eighth Amendment Excessive Force	5/21/18	Skytta, Frankie, and Holley allegedly kicked and punched Mays repeatedly while he was on the ground. (ECF No. 1, PageID.5)
6.	Holley	First Amendment Retaliation	5/21/18	Skytta, Frankie, and Holley allegedly kicked and punched Mays repeatedly while he was on the ground. (ECF No. 1, PageID.5)
7.	Fraki	Eighth Amendment Excessive Force	5/21/18	Skytta, Frankie, and Holley allegedly kicked and punched Mays repeatedly while he was on the ground. (ECF No. 1, PageID.5)

8.	Fraki	First Amendment Retaliation	5/21/18	Skytta, Frankie, and Holley allegedly kicked and punched Mays repeatedly while he was on the ground. (ECF No. 1, PageID.5)
9.	Snyder	Eighth Amendment Excessive Force	5/21/18	Snyder and Corrigan allegedly kicked Mays in the stomach twice. (ECF No. 1, PageID.5)
10.	Snyder	First Amendment Retaliation	5/21/18	Snyder and Corrigan allegedly kicked Mays in the stomach twice. (ECF No. 1, PageID.5)
11.	Corrigan	Eighth Amendment Excessive Force	5/21/18	Snyder and Corrigan allegedly kicked Mays in the stomach twice. (ECF No. 1, PageID.5)
12.	Corrigan	First Amendment Retaliation	5/21/18	Snyder and Corrigan allegedly kicked Mays in the stomach twice. (ECF No. 1, PageID.5)
13.	Bastion	Eighth Amendment Deliberate Indifference	5/21/18	Bastian allegedly observed Mays being beaten and failed to protect him. (ECF No. 1, PageID.5)
14.	Pynnonen	First Amendment Retaliation	5/21/18	Pynnonen threatened to take away Mays' property and gave him more tickets. Moreover, he allegedly said, "you were a stage 5, now you are a stage 1." (ECF No. 1, PageID.5)
15.	Coon	Eighth Amendment Deliberate Indifference	5/22/18	Mays told RN Coon about his injuries and was denied treatment. (ECF No. 1, PageID.9)
16.	Rajala	Eighth Amendment Deliberate Indifference	5/23/18	Mays told RN Rajala about his injuries plus a migraine headache, and was denied treatment (first shift). (ECF No. 1, PageID.9)
17.	Sundberg	Eighth Amendment Deliberate Indifference	5/23/18	RN Sundberg was shown injuries and denied treatment. (ECF No. 1, PageID.9)

18.	Sundberg	Eighth Amendment Deliberate Indifference	5/25/18	Mays received no response from RN Sundberg. (ECF No. 1, PageID.9)
19.	Corrigan	Eighth Amendment Deliberate Indifference	5/26/18	While doing routine medical rounds, RN Corrigan told Mays that she had better things to do with her time than treat Mays' injuries, which, according to Mays, were a swollen painful jaw, black eye and lip, a small knot on his head, and a bruised and battered body. (ECF No. 1, PageID.9-10)

(b) At trial, the evidence presented by Defendants will show that Plaintiff's claims are completely fabricated. Each Defendant will deny the claims against them, and exhibits will be presented to demonstrate the impossibility of Plaintiff's claims.

(c) Defendants' Exhibits

- A. Mays' medical records (May – June 2018)
- B. Medication Administration Record (May 2018)
- C. Special Housing Unit Record (May 20-26, 2018)
- D. AMF Health Services Work Records (May 20 – June 2, 2018)
- E. AMF Custody Staff Work Records (0700-1500 shift) (May 21-26, 2018)
- F. AMF Custody Staff Work Records (1500-2300 shift) (May 21-26, 2018)

(d) Purpose of Defendants' Exhibits

- A. To show that Mays did not sustain any injuries on May 21, 2018.
- B. To show that Mays was given his medication on May 21, 2018.

- C. To show that Mays was properly checked on by staff multiple times on May 21, 2018, with no notation of injuries or complaints from Mays of being assaulted.
- D. To show that RN Sundberg did not work on May 23, 2018.
- E. To show that CO Fraki did not work in Mays' unit on May 21, 2018.
- F. To show that Sgt. Pynnonen did not work on May 21, 2018.

(e) Defendants' Witness List

- 1. Defendant Skytta – Baraga Correctional Facility, 13924 Wadaga Road, Baraga, MI 49909
- 2. Defendant Pynnonen – Baraga Correctional Facility, 13924 Wadaga Road, Baraga, MI 49909
- 3. Defendant Holley – Baraga Correctional Facility, 13924 Wadaga Road, Baraga, MI 49909
- 4. Defendant Fraki – Baraga Correctional Facility, 13924 Wadaga Road, Baraga, MI 49909
- 5. Defendant Snyder – Grandview Plaza, 206 E. Michigan Ave., Lansing, MI 48909
- 6. Defendant Corrigan – Baraga Correctional Facility, 13924 Wadaga Road, Baraga, MI 49909
- 7. Defendant Bastian – Baraga Correctional Facility, 13924 Wadaga Road, Baraga, MI 49909

8. Defendant Coon – Grandview Plaza, 206 E. Michigan Ave., Lansing, MI 48909
9. Defendant Sundberg – Alger Correctional Facility, N6141 Industrial Park Drive, Munising, MI 49862
10. Defendant Rajala – Grandview Plaza, 206 E. Michigan Ave., Lansing, MI 48909
11. Inspector Minerick – Baraga Correctional Facility, 13924 Wadaga Road, Baraga, MI 49909
12. Inspector Cummings – Baraga Correctional Facility, 13924 Wadaga Road, Baraga, MI 49909
13. AMF Records Office Supervisor Laux (or designee) – Baraga Correctional Facility, 13924 Wadaga Road, Baraga, MI 49909

(f) Anticipated Testimony of Defendants' Witnesses

1. Defendant Skytta – Will testify that he did not assault Mays on May 21, 2018, nor did he see anyone else assault Mays.
2. Defendant Pynnonen – Will testify that he did not assault Mays on May 21, 2018, nor did he see anyone else assault Mays. Defendant Pynnonen will further testify that he did not work on May 21, 2018.
3. Defendant Holley – Will testify that he did not assault Mays on May 21, 2018, nor did he see anyone else assault Mays.
4. Defendant Fraki – Will testify that he did not assault Mays on May 21, 2018, nor did he see anyone else assault Mays.

5. Defendant Snyder – Will testify that he did not assault Mays on May 21, 2018, nor did he see anyone else assault Mays.
6. Defendant Corrigan – Will testify that he did not assault Mays on May 21, 2018, nor did he see anyone else assault Mays. Defendant Corrigan will further testify that she did not observe any injuries to Mays on May 26, 2018.
7. Defendant Bastian – Will testify that he did not assault Mays on May 21, 2018, nor did he see anyone else assault Mays.
8. Defendant Coon – Will testify that she did not observe any injuries to Mays on May 22, 2018.
9. Defendant Sundberg – Will testify that she did not observe any injuries to Mays on May 23 or 25, 2018. Defendant Sundberg will further testify that she did not work on May 23, 2018.
10. Defendant Rajala – Will testify that she did not observe any injuries to Mays on May 23, 2018.
11. Inspector Minerick – Will testify that he investigated Mays' claims and that they were unfounded.
12. Inspector Cummings – Will testify that he investigated similar claims by Mays, and that they were all unfounded.
13. AMF Records Office Supervisor Laux (or designee) – Will testify that Defendants' exhibits were kept in the ordinary course of business.

(g) Plaintiff Mays has felony convictions for Robbery (07/19/1991), Bank Robbery (01/28/2002) and Assault of a Prison Employee (05/09/2014).

Respectfully submitted,

Dana Nessel
Attorney General

/s/ O.G. Reasons
O.G. Reasons (80463)
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Dated: August 26, 2022

CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2022, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing as well as via US Mail to all non-ECF participants:

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/s/ O.G. Reasons
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